

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL GIGNAC, as he is the duly
appointed Personal representative of the
Estate of LAURIE ANN GIGNAC and her
heirs at law,

Plaintiff,

v.

CHRISTOPHER SANDERS, M.D. et al.,

Defendants.

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Civil Action No. 1:13-cv-10019-IT

ORDER

February 20, 2015

TALWANI, D.J.

Before the court is Defendants' Renewed Motion to Compel Deposition of Non-Party Witness [#56] ("Defs.' Mot. Compel") and Plaintiff's Cross-Motion to Compel the Deposition of Dr. Cox [#57]. For the reasons set forth herein, both motions are DENIED.

On February 5, 2015, the court denied Defendants' Motion to Compel Deposition of Non-Party Witness [#47]. The court explained that Defendants' motion was untimely and had failed to give proper notice to the affected person, Gloria Fournier, but that the denial nonetheless would be without prejudice because of certain other factors.

Despite the looming trial date of March 30, 2015, Defendants waited another fifteen days before filing their renewed motion in this court. And although the Defendants state that they will serve Ms. Fournier this time, the motion fails to alert Ms. Fournier that the deposition sought by the Defendants would take place in Massachusetts, or the date, time and location of the

deposition. For these reasons, the motion is DENIED. The court notes that Defendants may still obtain Ms. Fournier's trial testimony through a trial subpoena.

Plaintiff's motion seeks leave to compel the deposition of Dr. William A. Cox if the court grants Defendants' motion and makes no request for such a deposition in the event that Defendants' motion to depose Ms. Fournier is denied. Accordingly, in light of the court's order on Defendants' motion, the court DENIES Plaintiff's motion as moot.

IT IS SO ORDERED.

Date: February 20, 2015

/s/ Indira Talwani
United States District Judge